

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

Cr. No. S-04-0069 MCE

vs.

JEFFREY WELLS, LARRY J. WELLS,
HENRY M. KAISER,

Defendant.

ORDER

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This matter came on for hearing on July 21, 2005 of SureWest Communications' and Ernst and Young's motions to quash subpoenas duces tecum issued on application of counsel for defendant Larry J. Wells. Mark L. Tuft of Cooper, White & Cooper LLP appeared specially for SureWest Communications; Megan Dixon of Heller Ehrman LLP appeared specially for Ernst and Young; William J. Portanova appeared for Larry J. Wells; Wayne Ordos appeared for Jeffrey Wells.

To assist the court's resolution of the pending motions, SureWest Communications is directed to provide the independent auditor's report prepared by Ernst and Young LLP and delivered to the Audit Committee of the Board of Directors of SureWest on or about March 26, 2004 (item one of the subpoena attachment) and the report of SureWest's

1 investigation of Jeffrey Wells' investment transactions for the year 2003 (item five of the
2 subpoena attachment) to chambers under seal for in camera review.

3 In addition, Ernst and Young LLP is directed to provide workpapers relating to the
4 line items "Cash and Cash Equivalents" and "Short Term Investments" for the year 2003 to
5 chambers under seal for in camera review.

6 All other matters remain submitted.

7 IT IS HEREBY ORDERED that the documents described above be delivered to
8 chambers no later than 5:00 p.m., Monday July 25, 2005.

9 DATED: July 21, 2005.

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13 UNITED STATES MAGISTRATE JUDGE
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